

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: DUNSTAN et al.)	Examiner:	John S. Maples	
Application No.:	10/820,638)	Group Art Unit:	1795
Filed:	April 8, 2004)	Confirmation No.:	8823
Docket No.:	3050-004)	Customer No.:	33432

For: LITHIUM-ION CELL WITH A WIDE OPERATING TEMPERATURE RANGE

RESUBMISSION OF
INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 12, 2009

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. Since this application has a filing date after June 30, 2003, no copies of U.S. Patents/Patent Application Publications are provided.

This Information Disclosure Statement is being re-submitted at the request of the Examiner. This re-submission is based on the Information Disclosure Statement originally filed July 6, 2004, as evidenced by the attached copy of the date-stamped postcard received from the U.S. Patent and Trademark Office, and with the exception of one non-patent reference that was previously indicated by the Examiner as having been considered.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application,

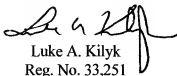
and that the documents cited in the attached Form PTO-1449 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed no fee is required at this time because copies of these references were previously submitted in the Information Disclosure Statement filed July 6, 2004, and the date-stamped postcard acknowledging receipt of this Information Disclosure Statement with the 21 documents is submitted with this response to further support this point. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Information Disclosure Statement
U.S. Patent Application No. 10/820,638

Atty. Docket No.: 3050-004
KILYK & BOWERSOX, P.L.L.C.
400 Holiday Court, Suite 102
Warrenton, VA 20186
Tel: (540) 428-1701
Fax: (540) 428-1720
Enclosures: PTO-1449, w/ 18 Documents
Copy of U.S.P.T.O. date-stamped postcard